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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,058	12/31/2003	Jonathan Lee Orwant	528401-2	1288
27799 7590 01/09/2008 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER BEHNCKE, CHRISTINE M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/751,058

Applicant(s)

ORWANT, JONATHAN LEE

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This office action is in response to the Amendment and Remarks filed 22 October 2007, in which claims 2-32 were presented for examination.

Response to Arguments

Applicant's arguments filed 22 October 2007 have been fully considered but they are not persuasive. Regarding the applied reference Edlund, Applicant contends Edlund does not disclose providing information about movement of a mobile object and partitioning acquired position data for a plurality of positions of the mobile object into a plurality of clusters of related positions. Applicant does admit that the reference does teach the clustering of location data into one or more categories. Further arguing that a purpose of the clustering is only to determine idling time, and this distinguishes it from the claim language. The Examiner respectfully disagrees. Determining the idle time is one of the results from clustering, but this does not teach away from the claim language. As Applicant admits, Edlund does disclose obtaining position data and clustering the data. Edlund further discloses that the data is "accessible" to provide information about movement of the mobile object to a request: "All programming and data related thereto are stored in computer memory, static or dynamic, and may be retrieved by the user in any of: conventional computer storage, display (i.e., CRT) and/or hardcopy (i.e., printed) formats." ([0052]). This is merely one citation that meets the claim language; the references should be read in entirety.

Applicant's arguments and amendments, see Remarks, filed 22 October 2007, with respect to the rejection(s) of claim(s) 8, 9, 15-20 and 22-25 under Haseloff (US

2005/0065714) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dean et al (US 6,232,915).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 6-8, 10-13, 15, 20, 21, 29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al., US 2003/0135486.

(**Claims 20 and 31**) Edlund et al. discloses a method and apparatus for providing information about movement of a mobile object to each of a plurality of positions along the Earth's surface, comprising: obtaining position data related to each of the plurality of positions ([0010]); and partitioning the position data for the plurality of positions of the mobile object into a plurality of clusters of related positions ([0035], [0025]) that are accessible to provide information about movement of the mobile object in response to a request ([0038], [0052]).

(**Claims 8, 21 and 29**) Edlund et al. further discloses wherein the step of partitioning the position data comprises storing the plurality of clusters of related positions in a persistent database for selective retrieval therefrom upon request to provide information about movement of the mobile object ([0052]).

(**Claims 10 and 30**) Edlund et al. further discloses means for, responsive to a request related to a specified time and/or position, providing information about

movement of the mobile object corresponding to the specified time and/or position by accessing the position data for the plurality of positions stored in said plurality of clusters ([0008]).

(Claims 2 and 11) Edlund et al. further discloses wherein the position data for the plurality of positions is collected automatically ([0005]-[0008]).

(Claims 3 and 12) Edlund et al. further discloses wherein the position data for the plurality of positions is constantly collected at periodic time intervals ([0025]).

(Claims 4 and 13) Edlund et al. further discloses wherein the position data for the plurality of positions comprises latitude and longitude ([0025]).

(Claim 6) Edlund et al. further discloses wherein the request is based on time ([0025]).

(Claim 7) Edlund et al. further disclose wherein the request is based on at least one of the plurality of positions ([0025]).

(Claim 15) Edlund et al. further discloses wherein the step of accessing the position data responsive to a request comprises accessing location information derived from the position data and related to at least one of said plurality of positions ([0022], [0052]).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-4, 6-8, 10-13, 15, 20, 21-25, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean et al., US 6,232,915.

(Claims 20 and 31) Dean discloses a method and apparatus for providing information about movement of a mobile object to each of a plurality of positions along the Earth's surface, comprising: obtaining position data related to each of the plurality of positions (figure 2, step 200); and partitioning the position data for the plurality of positions of the mobile object into a plurality of clusters of related positions (figure 2, steps 220-240) that are accessible to provide information about movement of the mobile object in response to a request (column 6, lines 65-67).

(Claims 8, 21 and 29) Dean further discloses wherein the step of partitioning the position data comprises storing the plurality of clusters of related positions in a persistent database for selective retrieval therefrom upon request to provide information about movement of the mobile object (column 4, lines 15-23).

(Claims 10 and 30) Dean further discloses means for, responsive to a request related to a specified time and/or position, providing information about movement of the mobile object corresponding to the specified time and/or position by accessing the position data for the plurality of positions stored in said plurality of clusters (column 6, lines 63-67).

(Claims 2 and 11) Dean further discloses wherein the position data for the plurality of positions is collected automatically (column 3, lines 64-66).

(Claims 3 and 12) Dean further discloses wherein the position data for the plurality of positions is constantly collected at periodic time intervals (column 3, lines 36-37).

(Claims 4 and 13) Dean further discloses wherein the position data for the plurality of positions comprises latitude and longitude ([0025]).

(Claim 6) Dean further discloses wherein the request is based on time (column 4, lines 60-63).

(Claim 7) Dean further discloses wherein the request is based on at least one of the plurality of positions (column 4, lines 42-47).

(Claim 15) Dean further discloses wherein the step of accessing the position data responsive to a request comprises accessing location information derived from the position data and related to at least one of said plurality of positions (column 7, lines 1-20).

(Claim 22) Dean further discloses wherein the partitioning step includes a pre-processing step of warping the position data to take into account that the Earth is approximately spherical (column 5, lines 10-21).

(Claim 23) Dean further discloses wherein the partitioning step includes a post-processing step of unwarping the output of the partition step to correct for said preprocessing step (column 5, lines 10-21).

(Claim 24) Dean further discloses wherein the partitioning step includes performing the partitioning each time new position data is obtained (column 3, lines 46-58).

(**Claim 25**) Dean further discloses determining a periphery that bounds all positions from among the plurality of positions which are categorized into one of the plurality of clusters (column 5, lines 30-37).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 16-19, 26-28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean in view of Moore, US 6,377,210.

Dean discloses the method and apparatus as applied to claims 20 and 31, wherein position data is partitioned into a plurality of clusters of related positions, and further that the position data are applied to a map of the position information but does not explicitly disclose individual maps. Further Dean does not disclose accessing location information indexed as relating position data to at least one of a street address, postal code, city, state, and country. However, Moore teaches an automatic mobile object locator wherein the position information of the mobile object is applied to map data, an individual map for each of a plurality of positions (figures 9-11, column 8, lines 39-65), and animating movement of the mobile object by combining a plurality of the individual maps (column 8, lines 25-38, column 10, lines 4-17), storing the individual maps in a persistent database for selective retrieval (figure 5), wherein each of the derived maps is one of a street map, terrain map and satellite map relating the position data to at least one of street address, postal code, city, state and country for, responsive to a request, providing information about movement of the mobile object

(figures 9-11, column 8, lines 39-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method and apparatus of Dean with the teachings of Moore because as Moore suggests storing map data of a mobile objects position and speed provides the history of a particular vehicle and allows for more accurate monitoring of the movement of a fleet of vehicles (column 3, lines 15-37 and column 4, lines 49-67).

Moore further teaches wherein in response to a request, location information including an index relating a position data of at least one of the plurality of positions to at least one of street address, postal code, city, state and country for, responsive to the request, providing information about movement of the mobile object (column 12, lines 6-9); wherein location information includes an inverted index relating at least one the of the street address, postal code, city, state and country to the plurality of positions for, responsive to the request, providing information about movement of the mobile object (column 12, lines 15-19); and wherein the location information is at least of a street map, terrain map and satellite map relating at least one of the plurality of positions to at least one of street address, postal code, city, state and country for, responsive to the request, providing information about movement of the mobile object (column 12, lines 6-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method and system of Dean with the teachings of Moore, because, like Dean, Moore describes method/system of allowing a user to track a fleet of mobile objects to allow for supervision/monitoring, the map display and geo-coding operation taught by Moore allows a user to easily, and in plural means, access the

stored position data to display the data in a convenient manner according to the user's preference (column 11, line 65-column 12, line 37).

Claim Rejections - 35 USC § 103

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean.

Dean discloses the acquisition of position data for a mobile object for a plurality of positions, the position data including longitude and latitude by GPS systems (figure 1, column 3, lines 14-24). Dean does not explicitly disclose the position data further including altitude information, however this would have been obvious to include altitude information in the position data as it merely requires the certainty of four satellites in a GPS system, wherein most GPS systems are fully capable and do calculate the altitude of a position.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER